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13 **UNITED STATES DISTRICT COURT**
14 **FOR NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

17 CONVEX PROMOTIONS, INC., a
18 Delaware corporation,

19 Plaintiff,

20 vs.

21 ACQUIRE, INC., a California corporation,

22 Defendant.

CASE NO. C-04-4153-PJH

**STIPULATION RE CONTINUANCE OF
THE MARKMAN HEARING AND ORDER**

26 **AND RELATED COUNTERCLAIMS.**

1 Plaintiff and counter-defendant Convex Promotions, Inc. (“Convex”) and defendant and counter-
2 claimant Acquire, Inc. (“Acquire”), by and through undersigned counsel of record, hereby file the
3 following joint stipulation regarding the continuance of the Markman hearing.

4 **JOINT STIPULATION**

5 WHEREAS, on February 3, 2005, the Court held a Case Management Conference, at which the
6 Court set the Markman hearing for October 5, 2005,

7 WHEREAS, on October 5, 2005, Convex’s lead counsel is scheduled to appear at a hearing in an
8 unrelated case in the Court of Appeals for the Federal Circuit,

9 WHEREAS, on October 3, 2005, Acquire’s lead counsel is scheduled to appear at a hearing in
10 an unrelated case in the Court of Appeals for the Federal Circuit,

11 WHEREAS, on August 25, 2005, the parties participated in a settlement conference before
12 Magistrate Judge Elizabeth D. Laporte,

13 WHEREAS, the parties agreed to continue their settlement negotiations in the upcoming weeks,
14 which negotiations if successful could eliminate the necessity for a Markman hearing, and

15 WHEREAS, the parties are committed to seeking such a settlement resolution and will regularly
16 inform the Court regarding the status of those discussions,

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1 THEREFORE, through this Joint Stipulation, the parties agree to continue the date for the
2 Markman hearing to November 16, 2005.
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4 DATED: September 6, 2005

PAUL J. SUTTON
TERENCE J. CLARK
ANDREW ELISEEV
GREENBERG TRAURIG, LLP

7 By _____ /s/
8 Andrew Eliseev

9 Attorneys for Plaintiff and Counter-Defendant
10 Convex Promotions, Inc.

11 DATED: September 6, 2005

PERKINS COIE LLP

13 By _____
14 Paul J. Andre
15 Attorneys for Defendant and Counter-Claimant Acquire,
16 Inc.

17 **ORDER**

18 IT IS SO ORDERED.

19 DATED: 9/7/05



20 Phyllis J. Hamilton
21 United States District Judge
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